

Message Text

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ORIGIN PM-03

INFO OCT-01 ARA-06 EUR-12 ISO-00 L-03 MC-02 SS-15 NSC-05

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DRAFTED BY PM/SAS:RWSMITH:RF

APPROVED BY PM/SAS - SWINSHIP

EUR/SE - MR. THOMPSON

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DOD/ISA - CDR. STEELE

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----- 115373

R 291616Z JUL 75

FM SECSTATE WASHDC

TO AMEMBASSY BELGRADE

AMEMBASSY TEGUCIGALPA

C O N F I D E N T I A L STATE 178338

E.O. 11652: GDS

TAGS:MASS, YO,HO

SUBJECT: TRANSFER OF F-86 AIRCRAFT

REF: A) BELGRADE 3472 B) BELGRADE 3730 C) STATE 131869

1. WE ASSUME THAT PROCEDURE OUTLINED BY COMMERCIAL REPRESENTATIVE IN REF B DOES NOT CONSTITUTE GOY CLARIFICATION REQUESTED IN REF C. FOR PURPOSES OF NOTIFYING CONGRESS IN ADVANCE AS REQUIRED BY SECTION 3(A) OF FOREIGN MILITARY SALES ACT, WE MUST HAVE IN HAND SOME EVIDENCE THAT GOY HAS FORMALLY REQUESTED USG TO APPROVE TRANSFER AND THAT TITLE WILL BE PASSED DIRECTLY FROM GOY TO GOH. TO DATE WE HAVE NO SUCH EVIDENCE REGARDING TITLE TRANSFER.

2. PROCEDURE DISCUSSED IN REF B IS UNACCEPTABLE, SINCE
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TITLE IS PASSED TO USG AND NOT GOH. THIRD-PARTY TRANSFERS

OF US MILITARY EQUIPMENT WHICH OCCUR OFTEN ON WORLDWIDE BASIS INVOLVE TRANSACTIONS BETWEEN THIRD-PARTIES WHEREIN TITLE PASSES DIRECTLY FROM ONE TO ANOTHER. TITLE IN THESE CASES DOES NOT PASS TO USG AT ANY STAGE, NOR WOULD WE WISH TO ACT AS MIDDLEMAN IN THIS REGARD. WE COULD NOT, THEREFORE, APPROVE EMBASSY ACCEPTING SUCH TITLE TRANSFER. IN

MOST THIRD-PARTY TRANSFER CASES, ONE OR BOTH OF PARTIES INVOLVED WILL SIMPLY INFORM US WHEN TITLE HAS PASSED.

3. DEPARTMENT WILL CONTINUE TO AWAIT RECEIPT OF GOY CLARIFICATION IN WRITING ON TITLE TRANSFER REQUESTED REF C BEFORE INFORMING CONGRESS OR OBTAINING TRANSFER ASSURANCES FROM GOH.

4. REGARDING ROLE OF AVIATION BUSINESS SERVICES (ABS) IN PROPOSED TRANSFER OF AIRCRAFT, WE CONCUR IN DAO'S ASSESSMENT THAT THIS IS ENTIRELY A MATTER BETWEEN GOY AND GOH. AS PRACTICAL MATTER, USG HAS NO INTEREST IN BUSINESS TERMS (SUCH AS WHO IS RESPONSIBLE FOR AIRCRAFT CONDITION) IN AGREEMENT BETWEEN GOY/GOH AND ABS, PROVIDED THAT USG REQUIREMENTS RELATING TO TITLE TRANSFER, TRANSFER ASSURANCES, AND POSSIBLE EXPORT LICENSING ARE MET. INGERSOLL

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To: BELGRADE TEGUCIGALPA
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